

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1231 be amended to read as follows:

- 1 Page 2, between lines 24 and 25, begin a new paragraph and
- 2 insert:
- 3 "SECTION 3. IC 36-1-6-2, AS AMENDED BY P.L.88-2006,
- 4 SECTION 7, IS AMENDED TO READ AS FOLLOWS: Sec. 2. (a)
- 5 If a condition violating an ordinance of a municipal corporation exists
- 6 on real property, employees or contractors of a municipal corporation
- 7 may enter onto that property and take appropriate action to bring the
- 8 property into compliance with the ordinance. However, before action
- 9 to bring compliance may be taken, all persons holding a substantial
- 10 interest in the property must be given a reasonable opportunity of at
- 11 least ten (10) days but not more than sixty (60) days to bring the
- 12 property into compliance. If the municipal corporation takes action
- 13 to bring compliance, the expenses incurred by the municipal
- 14 corporation to bring compliance constitute a lien against the property.
- 15 The lien attaches when notice of the lien is recorded in the office of
- 16 the county recorder in which the property is located. The lien is
- 17 superior to all other liens except liens for taxes, in an amount that
- 18 does not exceed:
- 19 (1) ~~two thousand five hundred dollars (\$2,500)~~ **ten thousand**
- 20 **dollars (\$10,000)** for real property that:
- 21 (A) contains one (1) or more occupied or unoccupied
- 22 single or double family dwellings or the appurtenances or
- 23 additions to those dwellings; or
- 24 (B) is unimproved; or

1 (2) ~~ten thousand dollars (\$10,000)~~ **twenty thousand dollars**
2 **(\$20,000)** for all other real property not described in
3 subdivision (1).
4 (b) The municipal corporation may issue a bill to the owner of
5 the real property for the costs incurred by the municipal corporation
6 in bringing the property into compliance with the ordinance,
7 including administrative costs and removal costs.
8 (c) A bill issued under subsection (b) is delinquent if the owner
9 of the real property fails to pay the bill within thirty (30) days after
10 the date of the issuance of the bill.
11 (d) Whenever a municipal corporation determines it necessary,
12 the officer charged with the collection of fees and penalties for the
13 municipal corporation shall prepare:
14 (1) a list of delinquent fees and penalties that are enforceable
15 under this section, including:
16 (A) the name or names of the owner or owners of each lot
17 or parcel of real property on which fees are delinquent;
18 (B) a description of the premises, as shown on the records
19 of the county auditor; and
20 (C) the amount of the delinquent fees and the penalty; or
21 (2) an instrument for each lot or parcel of real property on
22 which the fees are delinquent.
23 (e) The officer shall record a copy of each list or each instrument
24 with the county recorder, who shall charge a fee for recording the list
25 or instrument under the fee schedule established in IC 36-2-7-10.
26 (f) The amount of a lien shall be placed on the tax duplicate by
27 the auditor. The total amount, including any accrued interest, shall
28 be collected in the same manner as delinquent taxes are collected and
29 shall be disbursed to the general fund of the municipal corporation.
30 (g) A fee is not enforceable as a lien against a subsequent owner
31 of property unless the lien for the fee was recorded with the county
32 recorder before conveyance to the subsequent owner. If the property
33 is conveyed before the lien is recorded, the municipal corporation
34 shall notify the person who owned the property at the time the fee
35 became payable. The notice must inform the person that payment,
36 including penalty fees for delinquencies, is due not later than fifteen
37 (15) days after the date of the notice. If payment is not received
38 within one hundred eighty (180) days after the date of the notice, the
39 amount due may be considered a bad debt loss.
40 (h) The municipal corporation shall release:
41 (1) liens filed with the county recorder after the recorded date
42 of conveyance of the property; and
43 (2) delinquent fees incurred by the seller;
44 upon receipt of a written demand from the purchaser or a
45 representative of the title insurance company or the title insurance
46 company's agent that issued a title insurance policy to the purchaser.
47 The demand must state that the delinquent fees were not incurred by
48 the purchaser as a user, lessee, or previous owner and that the
49 purchaser has not been paid by the seller for the delinquent fees.
50 (i) The county auditor shall remove the fees, penalties, and
51 service charges that were not recorded before a recorded conveyance

1 to a subsequent owner upon receipt of a copy of the written demand
2 under subsection (h).".

3 Renumber all SECTIONS consecutively.
(Reference is to HB 1231 as printed February 16, 2007.)

Representative LEONARD